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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,057	09/08/2003	Naoyuki Sato	SONY-26200	5505
Jonathan O. Owens 7590 HAVERSTOCK & OWENS LLP 162 North Wolfe Road Sunnyvale, CA 94086 04/04/2008				
EXAMINER				
CHEA, PHILIP J				
ART UNIT		PAPER NUMBER		
2153				
MAIL DATE		DELIVERY MODE		
04/04/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/658,057

**Applicant(s)**

SATO, NAOYUKI

**Examiner**

PHILIP J. CHEA

**Art Unit**

2153

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 and 35-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 and 35-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S5108)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

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### DETAILED ACTION

This Office Action is in response to an Amendment filed February 14, 2008. Claims 1-33,35-41 are currently pending. Any rejection not set forth below has been overcome by the current Amendment.

#### ***Claim Rejections - 35 USC § 101***

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 28-32 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. In this case, a location table is software per se, which does not fall under one of the statutory categories. Any claim not specifically mentioned is rejected by virtue of being dependent on a rejected claim.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-33,35-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart (US 2002/0173981), herein referred to as Stewart, and further in view of Brauel et al. (US 2004/0002343), herein referred to as Brauel.

As per claims 33,1,9,14,21,28, Stewart discloses a network of devices, as claimed, comprising:

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one or more access points to provide access to an internet site (see Fig. 1A, [120A-120B], *giving PCD [110A-110B], access to internet site [180]*);

one or more internet access systems, each capable of communicating with the one or more access points to access the internet site through one of the access points (see Fig. 1A [110A-110B], *showing internet access systems communicating with the access points to connect to the internet site [180]*);

an apparatus to provide the internet site and capable of being accessed through the one or more access points (see paragraph 35, *showing that the KGL website is comprised on a web server (i.e. apparatus to provide the internet site)*) comprising:

a location table including a plurality of entries each having location information corresponding to an appropriate one of the access points (see paragraph 12, *describing how APs are arranged in geographic locations and may provide geographic location information regarding the location of the AP and that the AP transmits the location information to the system so that the user will receive location information from the website (see paragraph 47)*); and

localized information database coupled to the location table to provide localized information based on the location information (see paragraph 47, *where localized information such as maps of the area or advertisements or services of business or nearby businesses*),

wherein the location information is determined at that apparatus based on the location table (see paragraph 47, *describing how the KGL website (i.e. KGL web server) determines the access point location and "stored KGL information" correlated with that location to provide the location information, the stored information is considered the table*).

Although the system disclosed by Stewart shows substantial features of the claimed invention (discussed above), and shows that an access point can be identified by its MAC ID to look up location information in a database (see paragraph 84) it fails to disclose that the location table includes a plurality of entries having a network address corresponding to one of the access points.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Stewart, as evidenced by Brauel.

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In an analogous art, Brauel discloses a system for receiving location based services where a wireless device communicates over a plurality of access points to a communication server. Brauel also shows a location table that includes a plurality of entries having a network address corresponding to an access point (see Fig. 2, *showing a location table with network addresses (see paragraph 11) corresponding to an access point*).

Given the teaching of Brauel, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Stewart by employing a location table with network addresses corresponding to an access point, such as disclosed by Brauel, in order to identify the access point using its network address and associate the access point address with its location to provide location based services.

As per claims 2, 10, 15, 22, 29, 36, Stewart in view of Brauel further discloses that the network address is an internet protocol address (see Brauel paragraph 24, *showing that the address is in accordance with whatever communication protocol is used*); since Stewart discloses using an IP network (see paragraph 65), it is obvious that the address is an internet protocol address).

As per claims 3, 16, 23, 37, Brauel further discloses generating an entry in the location table including the network address and the corresponding location information after receiving a first communication from one of the access points (see paragraph 25).

As per claims 4, 17, 24, 38, Stewart further discloses obtaining the corresponding location information from the access point (see paragraph 12, *describing that the access point transmits the location information to the system*).

As per claims 5, 18, 25, 39, Stewart further discloses that the localized information includes one or more of weather, news, traffic information and information regarding nearby points of interest (see paragraph 47 and paragraph 13).

As per claims 6, 12, 19, 26, 30, 40, Stewart further discloses that the internet site is provided by an internet server (see paragraph 35).

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As per claims 7,11,13,20,27,31,41, Stewart further discloses that the internet site is provided by the internet portal (see Fig. 4, *describing how the customer accesses the KGL website (i.e. portal) to receive KGL services (i.e. known geographic location services)* and paragraph 13).

As per claim 8, Stewart further discloses that the localized information is obtained from a localized information database (see paragraph 84).

As per claim 32, Stewart further discloses that the location information is a physical location of the access point (see paragraph 34).

As per claim 35, Stewart further discloses that the one or more internet access systems are one or more of a portable computer, a cellular telephone and a personal digital assistant device (see paragraph 41).

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-33,35-41 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHILIP J. CHEA whose telephone number is (571)272-3951. The examiner can normally be reached on M-F 6:30-4:00 (1st Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Glenton B. Burgess/  
Supervisory Patent Examiner, Art Unit 2153

Philip J Chea  
Examiner  
Art Unit 2153

PJC 3/18/08